

Raghavan, Saranya

From: Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>
Sent: Tuesday, June 27, 2023 10:42 PM
To: Padmanabhan, Krishnan; Wesley Hill; Raghavan, Saranya
Cc: EntropicKLG; Dacus, Deron (EXTERNAL)
Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,
We understand your position and respectfully disagree.
Darlene

----- Original Message -----

From: "Padmanabhan, Krishnan" <KPadmanabhan@winston.com>
Date: Tue, June 27, 2023 10:12 PM -0500
To: "Ghavimi, Darlene F." <Darlene.Ghavimi@klgates.com>, Wesley Hill <wh@wsfirm.com>, "Raghavan, Saranya" <SRaghavan@winston.com>
CC: EntropicKLG <EntropicKLG@klgates.com>, "Dacus, Deron (EXTERNAL)" <ddacus@dacusfirm.com>
Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Darlene –

Thanks for your email.

We sent our redlines on June 20 at 10:36 am CST.

Entropic did not respond. Charter prompted Entropic on June 26 at 2:54 PM CST.

Entropic responded at 4:54 on June 26, with highly ambiguous additions ("litigation file" in Paragraph 23), a comment bubble on paragraph 14 that did not make sense, and several additional comment bubbles and comments on paragraphs.

Charter circled back today with questions on Entropic's vague comments, and with further comments/edits. And despite saying that they would get back to us, Entropic has not yet responded this evening. I would note that Entropic did not take Charter up on our offer to discuss by phone.

What would we even be filing today if we tried to file? Noting that it is 10 pm CST, and Entropic has not even responded with a document, there is no reasonable way for the parties to review and get client approval to file.

If you want us to file an unopposed motion, we will certainly attach this email so the Court understands exactly what has transpired.

Thanks,
-KP

Krishnan Padmanabhan

Partner

Winston & Strawn LLP

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From: Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>

Sent: Tuesday, June 27, 2023 10:50 PM

To: Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Wesley Hill <wh@wsfirm.com>; Raghavan, Saranya <SRaghavan@winston.com>

Cc: EntropicKLG <EntropicKLG@klgates.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: Re: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

Wes made our position clear. We won't oppose, but we will not join.

Darlene

----- Original Message -----

From: "Padmanabhan, Krishnan" <KPadmanabhan@winston.com>

Date: Tue, June 27, 2023 9:37 PM -0500

To: Wesley Hill <wh@wsfirm.com>, "Raghavan, Saranya" <SRaghavan@winston.com>

CC: EntropicKLG <EntropicKLG@klgates.com>, "Ghavimi, Darlene F." <Darlene.Ghavimi@klgates.com>, "Dacus, Deron (EXTERNAL)" <ddacus@dacusfirm.com>

Subject: Re: Entropic v. Charter - Meet & Confer re DCO & DO

+Deron

Wes-

Charter is also mindful of the Court's admonition. But both sides are considering one another's positions. And despite having Charter's edits for quite some time, Entropic did not respond with edits or comments until Charter prompted (so it seems Entropic's mindfulness started today).

This is a situation where both sides should jointly ask for a few extra days.

Thanks,

KP

Krishnan Padmanabhan

(D) 212-294-3564

(M) 415-632-8214

From: Wesley Hill <wh@wsfirm.com>

Sent: Tuesday, June 27, 2023 10:31:15 PM

To: Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Raghavan, Saranya <SRaghavan@winston.com>

Cc: EntropicKLG <EntropicKLG@klgates.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

We're mindful of the court's admonition, thus Entropic's position. We won't oppose the motion, but we're unwilling to jointly move considering more time may not resolve the still remaining issues.

I'm adding the rest of my side so they can respond accordingly based on what Charter wants to do.

Wes

From: Padmanabhan, Krishnan <KPadmanabhan@winston.com>
Sent: Tuesday, June 27, 2023 8:43 PM
To: Wesley Hill <wh@wsfirm.com>; Raghavan, Saranya <SRaghavan@winston.com>
Subject: Re: Entropic v. Charter - Meet & Confer re DCO & DO

Wes

Thanks for your note. I understand that Entropic doesn't want to get in the Court's bad graces, but both sides are still addressing edits.

We would propose a joint motion to reflect that both sides are still working through issues, and that the parties work to get it finalized this week.

Thanks
KP

Krishnan Padmanabhan
(D) 212-294-3564
(M) 415-632-8214

From: Wesley Hill <wh@wsfirm.com>
Sent: Tuesday, June 27, 2023 9:12:23 PM
To: Raghavan, Saranya <SRaghavan@winston.com>
Cc: Padmanabhan, Krishnan <KPadmanabhan@winston.com>
Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Saranya,
I agree with your view of the error in the last order. If you guys want to try a second motion for extension based on trying to explain the situation, you can reflect Entropic is unopposed.

Thanks,
Wes

Wesley Hill
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1507 Bill Owens Parkway
Longview, Texas 75604
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From: Raghavan, Saranya <SRaghavan@winston.com>
Sent: Tuesday, June 27, 2023 7:32 PM
To: Wesley Hill <wh@wsfirm.com>

Cc: Padmanabhan, Krishnan <KPadmanabhan@winston.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Wes –

The Court's last extension references the DCO (incorrectly) and DO, and it was a second extension on those deadlines. That explains the "no further extensions" language. We have only gotten one extension on the PO deadline, which was originally June 20. We think a second extension on the PO is appropriate here given that the parties have not reached agreement and it is past business hours. Please let us know if you will agree to a stipulated extension of 7 days to allow the parties to confer with their respective clients and meet and confer.

Thanks,
Saranya

Saranya Raghavan

Associate Attorney

Winston & Strawn LLP

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M: +1 312-576-4559

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Pronouns: She, Her, Hers

From: Wesley Hill <wh@wsfirm.com>

Sent: Tuesday, June 27, 2023 11:58 AM

To: Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Soskin, Peter E. <Peter.Soskin@klgates.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

On further extension, I don't know that it's an option in light of the court's language granting our last extension. Granted, the court got the recitation of the affected orders wrong, but I don't think that changes his "expect no further extensions" language.

Wes

From: Padmanabhan, Krishnan <KPadmanabhan@winston.com>

Sent: Tuesday, June 27, 2023 10:46 AM

To: Soskin, Peter E. <Peter.Soskin@klgates.com>; Wesley Hill <wh@wsfirm.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Peter –

We are fine on the discovery order, and you can proceed. But we need to discuss the changes to the protective order. We had to prompt you to respond with your edits, and we are getting them the day before the deadline.

Let's get stipulate to another 7 days. We will circle up with our response on Entropic's position in the next few days.

Thanks
KP

Krishnan Padmanabhan

Partner

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From: Soskin, Peter E. <Peter.Soskin@klgates.com>

Sent: Monday, June 26, 2023 6:04 PM

To: Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Wesley Hill <wh@wsfirm.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

Attached is the proposed agreed motion for entry of the discovery order.

Please confirm Entropic can file.

Regards,

Peter Soskin

K&L Gates LLP

4 Embarcadero Center Suite 1200

San Francisco CA 94111

Phone: (415) 882-8046

From: Soskin, Peter E.

Sent: Monday, June 26, 2023 2:53 PM

To: 'Padmanabhan, Krishnan' <KPadmanabhan@winston.com>; Wesley Hill <wh@wsfirm.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

For the Discovery Order: Entropic will agree to 30 for the Rogs & RFAs. Attached is a draft final version. Please confirm Charter will agree to an unopposed motion to file.

For the Protective Order: Attached is a version of the protective order with a few notes:

Section 11: Entropic will not agree to the removal of this language.
Section 14: Why would there need to be a restriction on information that has been made public? Entropic proposes keeping this in.
Section 23: We have added "litigation file" to the exceptions.
Section 30: Why delete the procedure for production of information pursuant to a subpoena? Entropic proposes keeping this in.

Please let us know if Charter will agree to these and we can get this finalized as well.

Regards,

Peter Soskin

K&L Gates LLP
4 Embarcadero Center Suite 1200
San Francisco CA 94111
Phone: (415) 882-8046

From: Padmanabhan, Krishnan <KPadmanabhan@winston.com>
Sent: Monday, June 26, 2023 12:54 PM
To: Soskin, Peter E. <Peter.Soskin@klgates.com>; Wesley Hill <wh@wsfirm.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>
Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>
Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Entropic Team –

On the Discovery Order, Charter proposed 25 ROGs / RFAs and Entropic countered at 35 ROGs / RFAs. Let's compromise at 30 ROGs / RFAs.

Also, we are awaiting any response from Entropic regarding Charter's redlines to the PO.

Thanks
KP

Krishnan Padmanabhan

Partner

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From: Soskin, Peter E. <Peter.Soskin@klgates.com>
Sent: Tuesday, June 20, 2023 2:45 PM
To: Wesley Hill <wh@wsfirm.com>; Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Ghavimi, Darlene F.

<Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

Attached Entropic's response regarding the Discovery Order, with a redline against Charter's proposed revisions.

Regards,

Peter Soskin

K&L Gates LLP

4 Embarcadero Center Suite 1200

San Francisco CA 94111

Phone: (415) 882-8046

From: Wesley Hill <wh@wsfirm.com>

Sent: Tuesday, June 20, 2023 9:03 AM

To: Padmanabhan, Krishnan <KPadmanabhan@winston.com>; Ghavimi, Darlene F. <Darlene.Ghavimi@klgates.com>; Andrea Fair <andrea@wsfirm.com>; Soskin, Peter E. <Peter.Soskin@klgates.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

KP,

This doesn't fully capture Entropic's position. Entropic contends email discovery is appropriate and it is authorized by the terms of the discovery order. But, we agree the mechanics of that email discovery will be subject to an ESI order that the parties will hopefully agree upon, in accordance with paragraph 12(a). Entropic will be providing a proposed ESI order based on the EDTX model shortly for discussion and then moving for its entry, either as an agreed order or with the parties' competing positions.

Thanks,

Wes

Wesley Hill

WARD, SMITH & HILL, PLLC

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Longview, Texas 75604

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(903) 212-3937 (direct)

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From: Padmanabhan, Krishnan <KPadmanabhan@winston.com>

Sent: Tuesday, June 20, 2023 10:06 AM

To: darlene.ghavimi@klgates.com; Andrea Fair <andrea@wsfirm.com>; Wesley Hill <wh@wsfirm.com>; Soskin, Peter E. <Peter.Soskin@klgates.com>

Cc: Brown, Ketajh M. <Ketajh.Brown@klgates.com>; Raghavan, Saranya <SRaghavan@winston.com>; Deron Dacus <ddacus@dacusfirm.com>

Subject: RE: Entropic v. Charter - Meet & Confer re DCO & DO

Wes / Peter –

Thanks for the call last week. Just to memorialize a key point in our discussion, we agreed that if email production is appropriate, the parties will negotiate an ESI order that governs accordingly. This is what is contemplated in Section 12(a) of the proposed Discovery Order.

Thanks

-KP

Krishnan Padmanabhan

Partner

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-----Original Appointment-----

From: Raghavan, Saranya <SRaghavan@winston.com>

Sent: Tuesday, June 13, 2023 7:48 PM

To: Raghavan, Saranya; Raghavan, Saranya; Padmanabhan, Krishnan; Deron Dacus; darlene.ghavimi@klgates.com; andrea@wsfirm.com; Wesley Hill

Cc: Soskin, Peter E.; Brown, Ketajh M.

Subject: Entropic v. Charter - Meet & Confer re DCO & DO

When: Thursday, June 15, 2023 5:30 PM-6:00 PM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

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